**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE M.N.KRISHNAN**

**WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929**

**WP(C).No. 29138 of 2007(R)**
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**AGAINST IA 2100/2007 IN OS.406/2004 OF MUNSIFF COURT, KOTTARAKKARA**
**.....,.....**

**PETITIONER:**
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**SASIKUAMR,S/O.RAGHAVAN PILLAI,**
**SREE PADMAM HOUSE,CHERUVALLOOR,ELAMAD,**
**KOTTARAKARA.**

**BY ADV. SRI.ALEXANDER GEORGE**
**SRI.DILIP MOHAN**

**RESPONDENTS:**
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**1. NEELAKANDA PILLAI BALACHANDRAN PILLAI,**
**BINDU NIVAS, CHERUVALLOOR, UMMANNOOR VILLAGE,**
**KOTTARAKARA.**

**2. BHASKARAN PILLAI SUNIL KUMAR,**
**BINDU NIVAS, CHERUVALLOOR, UMMANNOOR VILLAGE,**
**KOTTARAKARA.**

**3. BINDHU,**
**BINDU NIVAS, CHERUVALLOOR, UMMANNOOR VILLAGE,**
**KOTTARAKARA**

**BY**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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**M.N.KRISHNAN, J**

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**W.P.(C) No.29138 OF 2007**

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**Dated this the 3rd day of October, 2007**

**JUDGMENT**

This writ petition is filed challenging Ext.P2 order passed by the Munsiff's Court, Kottarakkara whereby he directed a Commission to be appointed with the assistance of a Surveyor. The court found that the identification of the property is highly necessary in the case. I am informed that the suit is one for declaration of title and possession. So, in majority of such cases, the identification of the property also becomes an issue and therefore I do not find any error committed by the court below in issuing a Commission for identification of the property though it was done at a belated stage. In the first court, it is always desirable that necessary and relevant materials are allowed to be placed before the court by the parties so that there can be a fair adjudication of the dispute between the parties. Therefore I do not propose to interfere with the said order. If the present petitioner wants anything further to be noted by the Commissioner, the court below shall permit the petitioner to file a work memo before the Commissioner to that effect. Learned counsel for the petitioner also

expresses his anxiety in the delay of proceeding with the matter.

Therefore I direct the court below that after the report of the Commissioner is obtained, an opportunity be given to the parties to file objections and the court shall dispose of the matter as expeditiously as possible.

Writ petition is disposed of as above.

**M.N.KRISHNAN, JUDGE**

**Cdp/-**